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## **CALL TO ORDER & ATTENDANCE**

Chair called the April 12, 2021, 310-Stream Permit meeting to order at 7:00 P.M. in the conference room.

### **Board members present:**

Pete Woll, Chair; John Ellis Vice Chair; Lech Naumovich Secretary/Treasurer; Scott Rumsey, Supervisor; Donna Pridmore, Supervisor; Verdell Jackson, Supervisor; being a quorum of the Board.

Also, in attendance were Hailey Graf, Samantha Tappenbeck, Ginger Kauffman, FCD Staff; Fiona Handler, Big Sky Watershed Corps Member; Kody Coxen, Associate Supervisor; Gordon Ash, Associate Supervisor; Emily Harkness; Associate Supervisor; Kenny Breidinger, FWP; Bill Whitsitt; Melissa Brickl; Trent and Kimberly Robinson; Casey Malmquist; Terese Lipinski-Kashi; Mitch King, Montana Outdoor Legacy Foundation (MOLF); Bruce Boody; Joe Kashi; Laura Youngman.

## **CONSENT AGENDA**

### **Consent Agenda Item 1: Signature Authorization**

Authorization for Hailey Graf to sign on behalf of Supervisors attending the meeting virtually

### **Consent Agenda Item 2: Tabled 310's**

- **DeVore**, FL-2020-062, Whitefish River, boardwalk/trail: tabled until spring
- **Gabbert**, FL-2021-018C, Bales Creek, complaint: tabled pending complaint response
- **Heil**, FL-2020-042C, Blaine Creek, complaint: tabled until receipt of 310 application, due 4/19 for 4/22 meeting
- **Hodge Creek Reserve HOA**, FL-2021-003, Hodge Creek, culvert/pipe etc.: tabled pending additional information
- **Legacy Mtn Holdings**, FL-2020-064C, Unnamed stream, complaint: tabled pending technical review
- **Legacy Mtn Holdings**, FL-2021-002C, Unnamed stream, complaint: tabled pending technical review

### **Consent Agenda Item 3: Minutes, March 22, 2021**

- Approve the minutes of the March 22, 2021 Business meeting as presented.

### **Consent Agenda Item 4: Financial**

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The following bills were reviewed (Check Detail 3/23/2021 – 4/6/2021)

1. VISA (Hailey Graf) \$1610.48
2. VISA (Samantha Tappenbeck) \$1305.42
3. Anders Business Solutions \$52.50
4. Byte Savvy \$80.00
5. MontanaSky Networks Inc. \$10.00
6. Montana Conservation Corps \$3,125.00

Approve the bills as presented.

Donna Pridmore motioned “to approve the consent agenda as it stands.” John Ellis seconded. Motion carried unanimously.

### **PUBLIC COMMENT PERIOD**

No one was present to comment on items not listed on the agenda.

### **310**

**95 Karrow LLC**, FL-2021-027, Whitefish River, grading/dock/trail etc.: An onsite inspection was scheduled for Thursday, April 22, 9:00 A.M. at the site.

**Big Mtn/Whitefish Mtn Resort**, FL-2021-028, First Creek, bridge: Lech Naumovich motioned “to table the application until information is received from the applicant that the snow is off the ground and the site is visible.” John Ellis seconded. Motion carried unanimously.

**Birk**, FL-2021-011, Flathead River, bank stabilization/additional information submitted: Donna Pridmore explained that the applicant submitted additional information to extend the fill 125’ (feet) into the stream after the permit was approved on 3/22/2021, so she contacted the applicant. He withdrew the survey and submitted an amendment that the fill and riprap would extend 12-15’ (feet) out from the bank. The Army Corps of Engineers suggested he put a 6” (inch) underlayment of gravel down before larger rip rap is placed.

Donna Pridmore motioned “to approve the permit modification per letter dated April 5, 2021.” John Ellis seconded. Motion carried unanimously.

**Brunskill**, FL-2021-016, Flathead River, platform/dock: An onsite inspection was scheduled for Wednesday, April 21, 9:30 A.M. at the site.

**Butts**, FL-2019-056C, Unnamed stream, complaint: Lech Naumovich explained that Mr. Butts had placed fill across the stream creating an impoundment and a structure to extract water without a permit. As remediation, Mr. Butts applied for a permit (#FL-2020-002) to remove the material. The Work Completion form was submitted, and a follow-up inspection was held. Kenny Breidinger and Donna Pridmore added that preliminary grading and seedling had been done, however the ground was still frozen, and it is still too cold for germination. Mr. Butts will continue weed control. Lech noted that the

cistern/infiltration gallery will be left in place, as it would cause more damage to remove it.

Lech Naumovich motioned “the complaint has been satisfied in a satisfactory manner.” Donna Pridmore seconded. After further discussion Lech withdrew the motion and Donna withdrew the second.

Lech Naumovich motioned “the complaint has been satisfied with the submittal and completion of application #FL-2020-002.” John Ellis seconded. Motion carried unanimously.

**Carlson**, FL-2021-021, Flathead River, bank stabilization: Pete Woll and Kenny Breidinger explained that several years ago the landowner placed landscape fabric and rip rap on the bank. Due to wave action, rock has slid down in a small area and parts of the fabric are exposed. The landowner wants to fill the area in with angular rock to break the wave action and to plant willows.

Pete Woll motioned “to approve the application as submitted per the Team Member Report and to waive the 15-day waiting period.” Verdell Jackson seconded. Motion carried unanimously.

**FH Stoltze L&L**, FL-2021-023, Various streams, annual road maintenance/culvert extensions: John Ellis motioned “to table and have a discussion with the applicant.” Verdell Jackson seconded. Motion carried unanimously.

**FH Stoltze L&L**, FL-2021-024, S. Fork Canyon Creek, channel alt/div: An onsite inspection was scheduled for Thursday, April 22, 10:30 A.M. at the site.

**Gautreau**, FL-2021-015, Wild Bill Creek, culvert/road const/core drill: Donna Pridmore explained that during the onsite it was noted that the culvert was too small and should be placed in a different area of the stream. The contractor will contact the landowner and submit additional information.

Donna Pridmore motioned “to table the application pending submittal of further information.” Scott Rumsey seconded. Motion carried unanimously.

**Griffin**, FL-2020-060C, Garnier Creek, complaint: Lech Naumovich explained that the landowner had placed a shed within 6-feet of the stream without a permit and was required to submit a 310-permit application to move the shed away from the stream. Application #FL-2021-022 was received and an onsite will be scheduled.

Lech Naumovich motioned “to table the complaint until an onsite inspection is held for #FL-2021-022.” John Ellis seconded. Motion carried unanimously.

**Griffin**, FL-2021-022, Garnier Creek, shed: Lech Naumovich motioned “to table until an onsite inspection can be scheduled.” Donna Pridmore seconded. Motion carried unanimously.

**Hash**, FL-2021-017, Swan River, remove fallen tree: Pete Woll explained that a tree had blown over, went into the stream and the landowner is concerned that it will compromise the bank where it was previously stabilized. They will cut the tree and hand remove from the stream during low water.

Pete Woll motioned “to approve the application with modifications per the Team Member Report and waive the 15 day-waiting period.” John Ellis seconded. Motion carried unanimously.

**Hughes/Marvin**, FL-2020-068C, Mill Creek tributary, complaint: Pete Woll explained that the complaint was tabled so the district could consult with the County Attorney.

Pete Woll motioned “to close the file because of insufficient evidence of a violation. If more evidence comes to light in the future the file will then be re-opened.” Lech Naumovich seconded. Motion carried unanimously.

**Kusler**, FL-2021-004, Flathead River, dock: Pete Woll and Kenny Breidinger explained the application is for a second boat dock on Kusler’s property. The original dock was approved in 2008/2009 under permit #FL2008024 to Peter Rice, and states that only one dock is allowed per waterfront property ownership.

The application was tabled at the March 22, 2021 meeting, and Mr. Kusler was asked to submit additional information. Submitted documentation (dated 2015) does not include information that the dock belongs to upland neighbors, that are not on the river, or that they have use of the dock. Mr. Kusler is the only owner of the property.

Pete Woll motioned “to table the application and send copies of the files to the County Attorney for review and recommendation.” Donna Pridmore seconded. Motion carried unanimously.

**Linrude**, FL-2020-010, Swan River, permit extension request: Pete Woll explained that the permit was approved last year. The landowner is waiting on other permits and has requested a one-year 310-permit extension.

Pete Woll motioned “to approve a one-year permit extension.” Verdell Jackson seconded. Motion carried unanimously.

**Lipinski-Kashi**, FL-2021-025, Ashley Creek, cap broken pipe/irrigation structure: An onsite was held April 6<sup>th</sup>. Kenny Breidinger explained that a pump in the pumphouse pulls water from Ashley Creek. On the far side of the pump, the irrigation line splits into a T to irrigate pastureland. The north leg of the irrigation line is leaking. The applicant is proposing to excavate down to the pipe, staying approximately 20-25’ (feet) from the

stream, cap the leaking pipe, and replace the soil. Kenny added that the digging site was marked on the other side of the stream. Supervisors agreed that if the excavation creates a condition that causes the streambank to erode, the landowner is to contact the district immediately.

Donna Pridmore motioned "to approve the application with modifications. The modification being that if, during the capping, they are within 20' (feet) of the top of the streambank the applicant is to contact the district for further consultation and to work with them on preserving the streambank." Scott Rumsey seconded. Motion carried unanimously.

Donna Pridmore motioned "to waive the 15-day waiting period." Verdell Jackson seconded. Motion carried unanimously.

**Ruther**, FL-2021-026, Morning Slough, pond: An onsite inspection was scheduled for Thursday, April 22, 12:30 P.M. at the site.

**Sneed**, FL-2021-001C, Bear Creek tributary, complaint: An onsite inspection was scheduled for Tuesday, April 27, 10:00 A.M. at the site.

**White**, FL-2021-014, Flathead River, dock: An onsite inspection was scheduled for Wednesday, April 21, 12:30 P.M. at the site.

### **NEW BUSINESS**

**310 Notice Letter for Big Sky Music Festival:** Hailey Graf explained that the newspaper recently published a photo showing a stage and fencing placed too close to Haskill Creek and explained that the site is where the Big Sky Music Festival is held. She noted that a 310-permit was not issued for the work depicted in the picture. The music festival will also be held this year and the landowners have not submitted an application for similar work to be conducted again this year. Hailey will draft a 310 educational letter to the landowners and provide to the Supervisors for review prior to the next meeting.

John Ellis motioned "to send a 310-letter to the owner of the property on which the Big Sky Music festival is held." Lech Naumovich seconded. Motion carried unanimously.

**Watershed Support Program Application:** An application from Lipinski-Kashi was provided to Supervisors in the Board meeting packet for prior review.

Samantha Tappenbeck stated that the Watershed Support Program is specifically targeted toward projects that improve water quality on Ashley Creek. She noted that several project components were originally included in the application. The landowner added that she is now only applying for funding of the cap on the irrigation pipeline.

During discussion, Supervisors noted that the application was vague and project costs were not included, making the application incomplete. It was also noted that the

application deadline is a rolling deadline, and the landowner could submit a new, complete application.

Lech Naumovich motioned “to reject the application based on it not being complete, and cost were not included.” John Ellis seconded. Motion carried unanimously.

**MATTERS OF THE BOARD/STAFF**

Upcoming project days and volunteer opportunities:

- Thursday, April 22<sup>nd</sup>, Seedlings delivered to DNRC in the morning for distribution to landowners that placed orders
- Thursday, April 22<sup>nd</sup>, 3:00 – 5:00 P.M., planting and clean-up in the Demonstration Garden
- Friday, April 23<sup>rd</sup>, MOLF property site preparation
- Saturday, April 24<sup>th</sup>, 10:00 A.M. planting 190 plants at the MOLF site

Hailey Graf updated the Board on the Joint Resolution Erosion Study on Flathead River study bill. Hailey will provide additional information following the April 13<sup>th</sup> Legislative Ad-Hoc committee meeting.

A Budget planning meeting was scheduled for Thursday, May 13, 9:30 A.M. – 11:30 A.M. to do an overview of last year’s budget, review priorities in the work plan, and discuss ideas for expanding programs relative to the FY 2021/2022 budget.

The next Business-meeting is scheduled for Monday, April 26, 2021, 7:00 P.M. via ZOOM.

Adjournment: Verdell Jackson motioned “to adjourn.” John Ellis seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:55 P.M.

Submitted By:

Ginger Kauffman  
Administrator

Hailey Graf  
District Conservationist

Minutes approved by FCD Board motion made on:

<u>4/26/2021</u>	<u>Pete Woll</u>	<u>Chair</u>
(Date)	(Signature)	(Title - Chair etc.)